

1 TINA WOLFSON (SBN 174806)
twolfson@ahdootwolfson.com
2 THEODORE MAYA (SBN 223242)
tmaya@ahdootwolfson.com
3 CHRISTOPHER STINER (SBN 276033)
cstiner@ahdootwolfson.com
4 RACHEL JOHNSON (SBN 331351)
rjohnson@ahdootwolfson.com
5 **AHDOOT & WOLFSON, PC**
2600 West Olive Avenue, Suite 500
6 Burbank, California 91505
Tel: (310) 474-9111

7
8 MARK C. MOLUMPY (SBN 168009)
mmolumpy@cpmlegal.com
9 TYSON C. REDENBARGER (SBN 294424)
tredenbarger@cpmlegal.com
10 NOORJAHAN RAHMAN (SBN 330572)
nrahman@cpmlegal.com
11 JULIA Q. PENG (SBN 318396)
jpeng@cpmlegal.com
12 **COTCHETT, PITRE & MCCARTHY, LLP**
840 Malcolm Road
Burlingame, California 94010
13 Telephone: (650) 697-6000

14 *Interim Co-Lead Counsel for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**
16 **NORTHERN DISTRICT OF CALIFORNIA**

17 IN RE: ZOOM VIDEO COMMUNICATIONS,
18 INC. PRIVACY LITIGATION

19 This Document Relates To:

20 ALL ACTIONS
21
22

CASE NO: 5:20-cv-02155-LHK

DECLARATION OF CINDY COHN

Hon. Lucy H. Koh
Crtrm: 8
Date: October 21, 2021
Time: 1:30 P.M.

1 I, Cindy Cohn, hereby declare and state as follows:

2 1. I am the Executive Director and President of the Electronic Frontier Foundation, a
3 U.S. 501(c)(3) nonprofit organization based in San Francisco, CA.

4 2. Founded in 1990, EFF is the oldest and largest nonprofit organization defending
5 civil liberties in the digital world. Extensive information about EFF, including our Annual Reports
6 and financial statements, is available at <https://eff.org/about>. EFF regularly receives the highest
7 rating from Charity Navigator, an independent evaluator of nonprofit organizations.

8 3. As part of its mission, EFF engages in various projects relating to improving the
9 privacy and protecting the security of internet users, using a variety of litigation, advocacy and
10 technological tools. All of our projects are aimed at advancing our mission to ensure that
11 technology supports freedom, justice and innovation for all the people of the world.

12 4. EFF coordinates its work on consumer privacy and security through cross-team
13 working groups, consisting of lawyers, technologists, activists and researchers who work together
14 both to formulate our positions and strategies and to do the work of pushing them forward.

15 5. EFF has long recognized that, despite the benefits that users may gain, personal
16 data in the hands of businesses can also harm users. Users are often unaware of how their data is
17 collected, stored, analyzed, shared, sold and leaked by the companies they entrust with it. They are
18 also ill-prepared to ensure that the company is working to keep it safe. Once data by and about
19 users is collected by companies, the risks are many. Companies can monetize it in unexpected
20 ways, including by selling, sharing, manipulating it and making inferences based upon it which
21 can create risks for users. Beyond that, police can seize it; criminals can steal it; and employees
22 can misuse it.

23 6. Even when users are aware of these risks, they often have few, if any, ways to avoid
24 them or obtain remedies when these risks come to fruition.

25 7. For many years, EFF has advocated for data privacy. We have urged companies to
26 adopt policies that respect data privacy. We also have advocated for data privacy laws regarding
27 various business sectors (e.g., broadband), forms of personal information (e.g., biometrics), and
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1 privacy tools (e.g., “right to know” laws). We have participated in litigation, as both amicus curiae
2 and as counsel, in data privacy cases. We have developed privacy protecting tools, like Privacy
3 Badger, which helps users avoid tracking on websites.

4 8. Similarly, EFF has long worked for data security, including promoting strong
5 encryption, as well as using and promoting legal strategies to incentivize strong security for data.
6 We also build tools that help users better protect their security. We advocate for and seek
7 accountability for poor security choices by companies, including choosing to develop or deploy
8 systems that make data leaks and stealing easier.

9 9. We educate the public through blog posts, and inform policy makers through
10 presentations. We develop guides for users to better protect their privacy and work to provide the
11 information users need to choose the best tools for their needs. We lobby regarding legislation
12 and regulations at the federal level and in states across the country and around the world. We work
13 with various coalitions comprising scores of organizations. We are one of the few nonprofit
14 organizations with technologists directly involved in these issues and are often looked to by others
15 for our technical expertise. While we do not publish summaries every year, a summary of our work
16 in 2019 on consumer privacy can be found at [https://www.eff.org/deeplinks/2019/12/consumer-](https://www.eff.org/deeplinks/2019/12/consumer-privacy-year-review-2019)
17 [privacy-year-review-2019](https://www.eff.org/deeplinks/2019/12/consumer-privacy-year-review-2019).

18 10. I understand that counsel for the parties in this litigation are recommending to the
19 Court that EFF receive a portion of any residual funds in the proposed Settlement before the Court
20 in order to support our work and directly benefit users’ privacy and security. Any funds paid
21 through the proposed Settlement will be used to further this work.

22 11. Please note that while EFF is a strong advocate for consumer privacy and security,
23 EFF takes no position on the merits of this specific litigation or of the fairness or reasonableness
24 of the Settlement currently before this Court.

25 12. EFF has been found to be an appropriate *cy pres* recipient in several cases. For
26 example, the Eight Circuit Court of Appeals recognized that EFF was a “global nonprofit whose
27 mission is to defend consumer civil liberties in the digital world, including digital consumer
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1 protection,” and therefore an appropriate *cy pres* recipient in a consumer class action case.
2 *Caligiuri v. Symantec*, 855 F.3d 860, 867 (8th Cir. 2017) (quoting *Khoday v. Symantec Corp*, 2016
3 WL 1637039 (D. Minn. 2016)).

4 13. Any approved *cy pres* funds awarded to EFF will be dedicated to projects relating
5 to improving consumer privacy and security when using digital tools.

6 14. Further, funds already allocated or dedicated by EFF to projects relating to
7 consumer privacy and security will not be reduced as a result of any *cy pres* award in this matter.

8 I declare under penalty of perjury that the foregoing is true and correct. Executed this 29th
9 day of July 2021, in San Francisco, California.

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12 _____
Cindy Cohn